



Docket No. 10621-3

#141
N.E.
1/20/04
JR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

5 Applicant: Clarke et al

Serial No. 09/976,987

Group Art Unit: 1772

Filing Date: Oct. 12, 2001

Examiner Rhee, Jane J

Title: Gas-permeable Membrane

10 Mail Stop Appeal Brief-Patents

Commissioner for Patents

P.O. Box 1450 , Alexandria, VA 22313-1450

RECEIVED

OCT 10 2003

TC 1700

AMENDMENT

15 Sir,

This paper is filed simultaneously with an Appeal Brief and has been prepared in accordance with the procedure recommended in MPEP 1207.

20 In the Reply to the Office Action mailed March 26, 2003 (which was a final rejection), Applicants requested amendment of claims 1, 15, 20 and 29, and the addition of new claims 32 and 33. The "standard form" paragraph 2 on page 1 of the Advisory Action mailed June 13, 2003, states that the proposed amendments would not be entered because they raise new issues. Paragraph 1 on page 2 of the Advisory Action
25 gives reasons why the new claims 32 and 33 raise new issues, but does not comment on the proposed amendments to claims 1, 15, 20 and 29. In telephone conversations between the Examiner and the undersigned on July 8 and 22, 2003, the Examiner maintains the refusal to enter the proposed amendments to claims 1, 15, 20 and 29, but did not give any reason why those amendments were not allowable.

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Mailed Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313, 1450

On September 29, 2003

Typed name of person signing this certificate: T. H. P. Richardson

Signature

D

The amendments requested below are the amendments to claims 1 and 20 requested in the Reply to the Office Action mailed March 20, 2003, and for the reasons given in the Remarks section below, Applicants believe that the amendments should be entered for the purposes of this appeal.